

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

December 23, 2024

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**MARVIN MAURICE MOORE,
Plaintiff,**

)
)

) **Civil Action No. 7:24cv00541**

v.

)
)

) **OPINION and ORDER**

**D.O.C.,
Defendant.**

)
)

) **By: Robert S. Ballou**
)

) **United States District Judge**

Plaintiff Marvin Maurice Moore, a Virginia inmate proceeding *pro se*, has filed a civil rights action against the defendant under 42 U.S.C. § 1983. The Department of Corrections, or D.O.C., is a state agency. As such, the D.O.C. is immune from suit under the Eleventh Amendment unless the state consents to the suit. *Alabama v. Pugh*, 438 U.S. 781, 781 (1978) (per curiam) (stating “[t]here can be no doubt that suit against the State and its Board of Corrections is barred by the Eleventh Amendment, unless [the state] has consented to the filing of such a suit.”). Further, the court cannot determine exactly what conduct Moore is complaining about, other than that he has been given “the run around” at all seven prisons he has been transferred to; he has made no factual allegations to show that a person acting under color of state law has violated his constitutional rights, which is required to state a claim under § 1983.

Pursuant to 28 U.S.C. § 1915A(b)(1), the Complaint is **DISMISSED with prejudice** for failure to state a claim for which relief may be granted. The Clerk is directed to **STRIKE** this matter from the court’s docket.

The Clerk is further directed to send a copy of this Opinion and Order to Moore.

Enter: December 20, 2024

ts/ Robert S. Ballou

Robert S. Ballou
United States District Judge